

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
March 17, 2010

Meeting is called to order at 8:00 pm.

In attendance: Skip Wendt, Chairperson
Jim Carlton, Zoning Commissioner
Dean Baker, Zoning Commissioner
Mike Trout, Supervisor

Absent: Bill Whitley, Zoning Commissioner
Denny Vallad, Zoning Commissioner

CONSENT MOTION: Agenda: Commissioner Baker motioned for acceptance as presented. Supported by Commissioner Carlton. Vote yes: All. Vote no: None. Absent: Vallad, Whitley. Motion approved.

PUBLIC COMMENT: None.

Chairperson Wendt stated that this meeting is being held because of not having a quorum for the February 17th meeting. He stated that the delay had nothing to do with the applicant.

CONSENT APPROVAL: Minutes from the December 16, 2009 meeting. Commissioner Carlton made the motion to approve the minutes as presented. Supported by Commissioner Baker. Vote yes: All. Vote no: None. Absent: Vallad, Whitley. Motion approved.

OLD BUSINESS: None.

NEW BUSINESS:

1. Request by Howard O'Brien, 13560 Davisburg Road, Davisburg, MI 48350 for a variance, as required by Section 16.20.2 of Zoning Ordinance 26, to create from the combination of a 70+/- acre parcel and a 10+/- acre parcel, two new parcels consisting of a 50+/- acre main parcel (A), and a 29+/- acre secondary parcel (B) that includes a 1.5+/- acre access strip 110' wide by 650' deep from Davisburg Road.

The secondary parcel (B) and access strip being the subject of the variance request.

The properties are located on the North side of Davisburg Road, west of Clemae and east of Eagle Road. Both are zoned R1A Suburban Estates (2.5 acre min) with property identification numbers of #07-18-176-005 and 07-18-251-001.

Chairperson Wendt stated that each Commissioner was given a survey provided by Grant Ward and two (2) aerial photographs that describe the combination and divisions.

Mr. O'Brien of 13560 Davisburg Road, Davisburg, Michigan stated that he is requesting the variance to build an additional home for his family. He stated that the access strip would allow access to this new parcel created.

Grant Ward stated that the existing parcel is quite long. The existing home is outlined in the survey, as is the outbuilding currently used to house horses. He stated that the only way to divide the property to enable a home to be built on Parcel B was to create an access strip. He stated that the property is gently sloping until the back by the railroad tracks where there are severe slopes and wetland areas north of the tracks. He stated that dividing the property into only two (2) parcels allow a reasonable use of the land. He stated that if the variance is denied, the homeowner would be denied some of the privileges awarded to other people in the area. He stated that the acreage proposed was well within the privileges enjoyed by others in the neighborhood. He stated that the situation was not created by the applicant. He stated that the variance would not have any adverse affect on the neighbors as far as drainage was concerned, or obstructing views. He stated that there are already instances in the neighborhood, in the immediate area and throughout the Township where this situation already exists. He stated that this does not create a precedent. He stated that this proposed variance was not against the existing ordinance. He stated that the property owner is not trying to make money; he is not planning on selling the property. He also stated that the property owner is trying to maintain the natural tree line to act as a barrier between the two properties.

Commissioner Baker stated that according to his observations, the access strip is proposed to be on the easterly side because the westerly side has a severe topographic change from the original structure and roadway. He stated that there are some features unique to this property that would make the easterly side a better site for the access strip. He stated that the access strip length is within the Ordinance limits, 660 feet length maximum, and the variance is asking for 650 feet. The width minimum per Ordinance guidelines is 20 feet, and the variance is in excess of this. He stated the variance would maintain consistency with other properties in the area. He stated that he noted one within 2000 feet of this property. He stated that the Commission would meet the Ordinance language by granting this variance.

Commissioner Carlton suggested that since only three (3) Commissioners are present, the variance should either be approved or tabled. He stated that he agrees with Commissioner Baker. He stated that he has also observed irregular lots in the area. He agreed with Commissioner Baker on the topography of the property, and he does not believe that it will be a hindrance to the neighborhood.

Commissioner Baker stated that he is in favor of this combination and split.

Commissioner Carlton stated that he is in favor of this combination and split.

Supervisor Trout stated that the notices were mailed out to all residences within 300 feet of the property and that the Supervisor's department did field questions both in person and by phone of people who would be affected by the variance and they were in favor.

Commissioner Carlton moved to approve the variance request by Howard O'Brien, 13560 Davisburg Road, Davisburg, MI 48350 for a variance to create from the combination of a 70+/- acre parcel and a 10+/- acre parcel, two new parcels consisting of a 50+/- acre main parcel (A), and a 29+/- acre secondary parcel (B) that includes a 1.5+/- acre access strip 110' wide by 650' deep from Davisburg Road. This meets the requirements of Section 16.20.2 of Zoning Ordinance 26, mainly the minimum lot will be 5 acres, actually more than that, and one of the following conditions exist, the wetlands or topography is in such a pattern that meeting the minimum requirements would be difficult. Also, the access strip is in excess of 20 feet, it is 110 feet, and no portion of the access strip will be used for building purposes. No other lots or parcels will be allowed to use the access strip. The access strip is 650 feet in length, which is less than the 660 feet maximum allowed. Supported by Commissioner Baker. Voted yes: All. Vote no: None. Absent: Vallad, Whitley. Motion approved.

Motion for adjournment at 8:18 PM by Commissioner Baker. Supported by Commissioner Carlton. Voted yes: All. Vote no: None. Absent: Vallad, Whitley. Motion approved. Adjourned at 8:18 PM.

Erin A. Mattice, Recording Secretary